

Executive Council meeting  
May 3, 2010 – 3:00-5:00 p.m.  
McCue Center Conference Room

Minutes

Present: Bob Bloodgood, Marcia Childress, Ann Hamric, Chris Holstege, Bill Keene, Bob Kemp, Ed Kitch, Kevin Lee, Pam Norris, and Gweneth West

Guests: Pace Lochte, Director of Economic Development in the office of the Vice President for Research;  
Barry Johnson, Senior Associate Dean and Associate Dean for Research in the School of Engineering and Applied Science (SEAS)  
Anita Jones, Professor Emeritus, Department of Computer Science, SEAS

Ann Hamric called the meeting to order and welcomed Pace Lochte, Barry Johnson, and Anita Jones.

### **Classified Research Policy**

Pace Lochte introduced the classified research policy and gave some background to open the discussion.

It was suggested that the University needs a committee to offer checks and balances for any research we consider.

Bob Bloodgood said that the last leader of a classified research project urged us to not pursue classified research anymore because of his experience with post docs and graduate students. They couldn't talk about their research or publish it. The Faculty Forum on Scientific Research discussed this when Bob was on it.

It was pointed out that grad students are now excluded and would not be involved at all in classified research; at least this would not be part of their grad research.

Ed Kitch said that there has not been classified research at university for 20 or 30 years. The policy we are looking at was issued in 1994 and has been on the books since then, though no one here does classified research.

Pace Lochte said that this policy was approved by the Board of Visitors; not all policy revisions automatically go back to them. It is the Vice President for Research's policy for the University; he is responsible for adopting it.

Barry Johnson said he has been on the faculty since 1984; he remembers there was a debate and discussion about the classified research policy. The policy currently on the books is an outgrowth of that discussion. At that time there was interest in putting a facility in Northern Virginia to carry out research, which probably explains the policy being formulated.

Anita Jones said that she spent 4-1/2 years in the Department of Defense, where she served as director of the Defense Research and Engineering department. She now serves on the equivalent of the Board of Visitors for MIT, so she can give us their perspective about classified research. Research at a university always starts with a faculty member who wants to do research. She doesn't see this bringing in a lot of money. Faculty members thrive by publishing, and classified

policy means you can't publish. You do it because of a provocative question, something in your area you want to work on. Individual faculty members are the first to make a decision. Other things being equal, they don't even want to get into classified research; they make the decision, not Tom Skalak or whoever. MIT's policy is that the motivation for doing classified research is public service. MIT has a much stronger, clearer statement. None of MIT's classified research is carried out at the academic campus, but at Lincoln Laboratories.

Before a project even gets proposed to this committee – even if you're just doing a thought exercise – you need somewhere to store the papers. You don't want any storage on the Grounds. The second person to make the decision is whoever holds whatever will be held. They must decide if they want to support the project. Only after that would the proposal come to whoever would be considering this.

The University's interest is that everyone be on the unclassified side if possible; you don't want to do anything bigger than you have to. It isn't a source of funding, but a source of learning for the faculty and students involved.

It was asked if this research enhances the reputation of faculty and therefore the university. Anita said, no, at least not until that research is eventually unclassified because the window of gaining military advantage passes. At that point it would enhance someone's reputation.

A Council member pointed out that the infrastructure for a scientist to do research is enormous. Does this help us to build the labs? Does it attract world-class scientists? Anita said she could imagine situations where that can happen. But these labs are classified; they can't be used for anything else. Can it get scientists access to high level equipment, infrastructure they couldn't otherwise get? Yes. In general, though, it is not a source of money to build the on-grounds labs.

Could we tap into a large amount of funding through classified research? Anita asked how many faculty want to do this research; for Lincoln, the budget is \$1 billion, but it has a staff of its own. The Applied Research Laboratory at Penn State is the same.

Barry said that one of models we see frequently is that research is unclassified, but faculty will have a clearance held by Lincoln Labs or whatever. This allows a researcher to go into classified environment, see what problems are being solved, but then come out and do an unclassified project. That's an area where there is the possibility of growth for research. Also, the University's Applied Research Institute (ARI) has been created off Grounds, with a small staff; it was put in place to try to forge relationships with NGIC and DIA. ARI is like a center at the University, but its facility is in the Research Park. They wanted to grow that into something with the capability to handle these types of research projects, but also to have close linkage to the University. Within SEAS, 25 faculty with security clearance are interested in being able to tap into those types of activities. ARI was also created because within SEAS, 30% of the funding is Defense funding. ARI would make it easier for faculty to work on even unclassified projects. There is a need for it even if you don't do classified work. Barry does think there's significant value to having a place to store classified documents and to do classified research.

Barry said we have \$1.5 million of research coming in from NGIC. We have a number of faculty referred to as NGIC "experts." One idea came from UVA faculty to NGIC, but funding to carry out the project went to the Georgia Tech Research Institute. And it was unclassified project – but they wanted the capability. It was not our intention that classified research ever be done on Grounds. Instead, we created ARI to be an educational and research center. We were asked to

create it under the University umbrella; but when this policy started being revisited, Barry was only interested in getting a policy that worked for ARI. Barry thinks we should make ARI a separate foundation, but we were asked to try this first. Anita said that MIT's Lincoln Labs is under the University and reports to the provost.

It was asked how this relates to human subjects research. Anita said you would need an institutional review board (IRB) to do that. Pace said we don't anticipate a lot of that. According to Pam Norris, Dave Hudson said that if an IRB review was needed, there are places you could go to have that review carried out.

Chris Holstege said that this is a complex issue, as we have determined. Different federal agencies do research; we're mostly talking about the Department of Defense (DOD). They wouldn't want certain data released to the public, for instance armed services personnel preparedness. If that had been classified – and it almost was – Chris couldn't have worked on the research because he didn't have clearance. This policy we're considering would have enabled the research to go forward. Toxicology has cases brought to them for detection; if we had analytical equipment but could not do the research on Grounds—or needed approval that would hold up the timeline—that would affect them. It is good to think about the policy in a broader sense.

Anita said that people in DOD are creating new regulations on “unclassified but sensitive” research.

Ann Hamric asked Pace if the broad considerations discussed at this meeting were helpful. She asked if Pace had been working with a subgroup of faculty that are primarily in SEAS. Pace said yes; they want to clarify the existing policy. Ann asked if there is a subgroup of EC members who want to look at this issue. She said that Chris raises important considerations that need to be heard. Alf Weaver also needs a policy to be formulated.

Marcia suggested that the language of the policy build in some sort of regular review and revisiting of the policy in the event that more things come up, say in the medical area; in other words, not just review it when problems come up. Pace said that the Faculty Senate could review the policy annually. Anita said that the Research and Scholarship Committee could oversee the process and make sure that the right scrutiny is happening. The faculty should never let go of the process.

Ann said that we're not even at a point of responding to that issue. Some people don't even want to be anywhere near classified research. We have a policy, but we're not doing it. Every time the policy gets brought up, we get a lot of questions. Ann asked Pace how we can help her. Pace said that the VP Research's office has spent a lot of time and done a lot of revisions before even bringing the policy here. She hopes to get some sort of nod or blessing from this group.

It was asked how the faculty consultation group was chosen, and whether the different faculty points of view were being heard. The opinion was expressed that it would be good for the community if there could be an opportunity to express different views, even if some are negative. Most faculty don't even know about the policy. Pace said that if the Executive Council says they can't live with it, then it's not going anywhere.

A suggestion was made to offer to have a draft ready by the end of summer, and post notices around Grounds for a discussion—maybe an open forum, maybe called by the Vice President for Research, so that anyone can write or speak.

Ann clarified with Pace that what she wants is endorsement of this policy, even if we don't agree with the specific language.

It was asked if there is any precedent for distributing a policy to all faculty for comment. Ann said that we could propose doing it to the Senate. She asked if there is a sense of the Executive Council that Pace should go forward with crafting this policy. Ann stated that our overall sense is that we are supportive of the policy moving forward, incorporating our concerns. **Chris Holstege, Pam Norris, and Kevin Lee offered to look carefully at the policy and agreed that two weeks was a reasonable time frame.** Ann said that if this group approves, that constitutes approval by the Executive Council. Pace asked if, when they get that feedback, they can say that they have approval by the Executive Council. Ann said that if the Policy Committee has significant concerns, we won't say this is fine.

Chris said that we would like to see the policies from other universities.

### **Professor of Practice Policy**

Bill Keene reported that the Provost has sent this policy to the Policy Committee. The major problem is the issue about non-renewal of contract. Most of the committee members want the current policy on non-tenure-track faculty to be applied to the Professors of Practice as well. They just want the administration to make decisions a little further in advance.

### **Bylaws Changes**

Ann proposed that she, Bob Kemp, and Gweneth West would consider changes to the bylaws. The Council approved.

### **Other Matters**

Ann Hamric reported on a call she received from a reporter to the effect that the Attorney General has sent UVA a civil investigative demand to gather information against a former professor here, Michael Mann, an expert in climate change. This investigation involves possible fraud by Mr. Mann. The subpoena involves all grants as well as Mr. Mann's email exchanges with a large number of other scientists. Responding to this demand will be time-consuming because he hasn't worked here for five years. Bill Keene shared other information, as he is in the Environmental Sciences department where Mr. Mann worked.

Members of the Council discussed the matter and supported issuing a Senate statement to reaffirm academic freedom, stating that Mr. Mann's research grants were obtained through peer review and were deemed legitimate.

**Bill Keene agreed to work with Ann to create a draft position statement for the Council's review and approval.** Ann said that Council members can go to the *Washington Post* website to find out what is going on and see a copy of the AG's CID request. The Faculty Senate can issue a press release to be distributed to various media; but University might not want us to send this out that way. From what Ann understands at this point, the University can't just refuse to follow the demand; it must comply. But they're choosing not to make any comment at this time. The Council agreed that we should go ahead and try to put something together that crystallizes the

discussion we have had here. Once we have all reviewed and agree, this statement will be shared with university officials in regard to sharing with the media.

The meeting was adjourned at 5 p.m.

Submitted by Kevin Lee, Secretary of the Faculty Senate